

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MAKI TYNER, individually and on
behalf of all others similarly situated,

Plaintiff,

-vs-

HEALTH IQ INSURANCE
SERVICES, INC.,

Defendant.

Case No. CIV-21-608-F

ORDER

On September 9, 2021, plaintiffs Tara Armado and Maki Turner, individually and on behalf of all others similarly situated, filed a First Amended Class Action Complaint. The amended pleading was filed in response to motion filed by defendant Health IQ Insurance Services, Inc. seeking to dismiss plaintiff Tara Armado’s complaint for lack of jurisdiction. Defendant represented in the motion to dismiss, and submitted a declaration averring, that “Health IQ Insurance Services, Inc.” is a “d/b/a of Hi.Q, Inc.” Doc. no. 8, ECF p. 2 and Exhibit 1, ¶ 4.

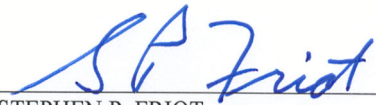
In the First Amended Class Action Complaint, plaintiffs named defendant in the caption as Health IQ Insurance Services, Inc. However, in the introductory paragraph of the amended pleading, plaintiffs identified defendant as “Hi. Q, Inc., d/b/a Health IQ Insurance Services, Inc.” In light of defendant being identified in the body of the amended pleading as such, the court clerk’s office added Hi. Q, Inc. doing business as Health IQ Insurance Services, Inc. as a defendant and terminated Health IQ Insurance Services Inc. as a defendant. *See, Mitchell v. Maynard*, 80 F.3d 1433, 1441 (10th Cir. 1996) (“[A] party not properly named in the caption of the

complaint may still be properly before the court if the allegations in the body of the complaint make it plain the party is intended as a defendant[.]).¹

However, since the filing of the amended pleading, all documents submitted have referred to defendant as Health IQ Insurance Services, Inc.

For clarity of the record, the court **DIRECTS** the parties to confer and file, within 10 business days, a joint notice as to the proper identity of defendant for purposes of this action. Unless otherwise notified, the court will deem the First Amended Class Action amended to reflect defendant as the entity identified by the parties in the joint notice.

IT IS SO ORDERED this 17th day of November, 2022.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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¹ Plaintiff Tara Armado was subsequently terminated as a plaintiff in light of the dismissal of her claims upon motion of defendant Health IQ Insurance Services, Inc. Doc. no. 19.